

- 2 -

(d) a third line rotatably attached to said one end of said first line and to said one end of said second line, so as to maintain continuity between said one end of said first and second lines respectively when said first and second lines become unattached from said holes respectively.

2. [Amended] A device as claimed in claim 1 further including a swivel connected to said holes, said one end of each said lines connected to said swivel so as to permit said silhouette to rotate relative said lines.

3. CANCEL

4. CANCEL

5. [Amended] A device as claimed in claim 1 wherein [said silhouette includes two holes therethrough, with:

(a) said first line having one end rotatably attached to said first hole;

(b) a second line having one end rotatably attached to said second hole;

(c) a) said third line [rotatably attached to said first and second lines] extends across said silhouette.

11. [Amended] A device as claimed in claim 10 wherein said [aperture] holes includes grommets for reinforcing said holes.

13. [Amended] A device for scaring birds comprising:

(a) a thin vinyl sheet profiling a bird of prey, said sheet including two holes there through;

- 3 -

- (b) first and second grommets for reinforcing said first and second holes;
- (c) a first swivel connected to said first grommet;
- (d) a second swivel connected to said second grommet;
- (e) a first line having an end connected to said first swivel for rotatable movement thereabouts;
- (f) a second line having an end connected to said second swivel for rotatable movement thereabouts;
- (g) a safety line extending across said silhouette having one end connected to said first swivel and another end connected to said second swivel.

18. [Amended] A method of scaring birds comprising the steps of:

- (a) securing the silhouette of a bird of prey in position by:
 - (i) connecting a first swivel to a first hole in said silhouette;
 - (ii) connecting a first end of a first line to said first swivel;
 - (iii) connecting a second swivel to a second hole in said silhouette;
 - (iv) connecting a first end of a second line to said second swivel.
- (b) Reinforcing said silhouette from breakage by connecting one end of a safety line across said silhouette to said first swivel and another end of said safety line to said second swivel;
- (c) moving said silhouette by wind so as to scare said birds.

- 4 -

ADD THE FOLLOWING NEW CLAIM:

21. A method as claimed in claim 18 including the step of maintaining the continuity between said first end of said first line and said first end of said second line when said first and second swivels become disconnected from said holes.

Agent for Applicant encloses herewith a **clean copy of claims as amended for entry.**

Kindly note that the claims have been amended so as to focus on:

1. the third line extends across the silhouette.
2. The third line is rotatably attached to the one end of the first line and to the one end of the second line so as to maintain continuity between said one of said first and second line respectively when said first or second lines become unattached from the holes respectively.
3. The third line is connected to the first swivel and the second swivel.

Drawings

Examiner objected to the drawings because they do not include the reference sign, namely, 10a.

In this regard, Agent for Applicant draws Examiner's attention to Figure 2, which includes the reference number 10a. If there are any further questions concerning this matter, kindly contact the undersigned.

35 U.S.C. § 112

Claim 11 was rejected as being indefinite for failing to particularly point out and distinctly claim the subject matter, which Applicant regards as the invention. In particular Examiner stated that claim 11 recites the limitation "said aperture".

- 5 -

In this regard claim 11 has been amended so as to overcome such objection.

35 U.S.C. § 103

Examiner stated that Takeda discloses the invention as claimed. In this regard Agent for Applicant respectfully states Takeda does not teach:

1. the third line extends across the silhouette.
2. The third line is rotatably attached to the one end of the first line and to the one end of the second line so as to maintain continuity between said one of said first and second line respectively when said first or second lines become unattached from the holes respectively.
3. The third line is connected to the first swivel and the second swivel.

In particular, figure 5 of Takeda does not teach a line but rather some sort of tensioning means which puts the string 6 into tension at position 10C; otherwise the face would fall downwardly.

Applicant on the other hand teaches a third line which is rotatably connected to the ends of the first and second line. If one looks at Takeda this one would mean that Takeda would need to teach the line 10B connecting the ends 4 of line 6. Furthermore Takeda does not teach a safety line connected to a first and second swivel.

Accordingly Takeda does not teach the invention as claimed.

Furthermore Examiner stated that Takeda in combination with Kilgore and Chase as well as Kaleta teaches the invention as claimed.

In this regard Agent for Applicant respectfully states that none of the prior art teaches:

CLEAN COPY OF CLAIMS AS AMENDED FOR ENTRY

- Sub D1*
1. A device for scaring birds comprising:
 - (a) a silhouette of a bird of prey having at least two holes therethrough;
 - (b) a first line having one end rotatably attached to said hole;
 - (c) a second line having one end rotatably attached to said hole;
 - (d) a third line rotatably attached to said one end of said first line and to said one end of said second line, so as to maintain continuity between said one end of said first and second lines respectively when said first and second lines become unattached from said holes respectively.
 2. A device as claimed in claim 1 further including a swivel connected to said holes, said one end of each said lines connected to said swivel so as to permit said silhouette to rotate relative said lines.
 3. CANCEL
 4. CANCEL
 - Sub D1* 5. A device as claimed in claim 1 wherein said third line extends across said silhouette.
 - Sub D1* 11. A device as claimed in claim 10 wherein said holes includes grommets for reinforcing said holes.

13. A device for scaring birds comprising:

- A4*
- Sub D1*
- (a) a thin vinyl sheet profiling a bird of prey, said sheet including two holes there through;
 - (b) first and second grommets for reinforcing said first and second holes;
 - (c) a first swivel connected to said first grommet;
 - (d) a second swivel connected to said second grommet;
 - (e) a first line having an end connected to said first swivel for rotatable movement thereabouts;
 - (f) a second line having an end connected to said second swivel for rotatable movement thereabouts;
 - (g) a safety line extending across said silhouette having one end connected to said first swivel and another end connected to said second swivel.

18. A method of scaring birds comprising the steps of:

- G5*
- (a) securing the silhouette of a bird of prey in position by:
 - (i) connecting a first swivel to a first hole in said silhouette;
 - (ii) connecting a first end of a first line to said first swivel;
 - (iii) connecting a second swivel to a second hole in said silhouette;
 - (iv) connecting a first end of a second line to said second swivel.

- 6/5
CMT.*
- (b) Reinforcing said silhouette from breakage by connecting one end of a safety line across said silhouette to said first swivel and another end of said safety line to said second swivel;
- (c) moving said silhouette by wind so as to scare said birds.

Ab

21. A method as claimed in claim 18 including the step of maintaining the continuity between said first end of said first line and said first end of said second line when said first and second swivels become disconnected from said holes.

CERTIFICATE OF TRANSMISSION

Our file: 12383-04/ejg
Invention: Bird Scaring Device
Filing Date: January 2, 2002
Application No.: 10/032,454
Applicant: Ulrich Watermann
Country: United States
Examiner: Susan L. Piascik
Art Unit: 3643
Subject: response to office action dated May 16, 2002 including a
clean copy of claims as amended prepared by EJAG
(totalling 10 pages including this certificate page)

I hereby certify that this correspondence is being facsimile transmitted to the Patent and
Trademark Office (Fax No. (703) 872-9326) on July 2, 2002.

Desi Goncalves

Printed name of person signing this certificate

Desi Goncalves
Signature



Creation date: 01-14-2004

Indexing Officer: SFOLTZ - STEVE FOLTZ

Team: OIPEBackFileIndexing

Dossier: 10032454

Legal Date: 01-31-2003

No.	Doccode	Number of pages
1	CTAV	3

Total number of pages: 3

Remarks:

Order of re-scan issued on